

# **EXHIBIT 1**

## Robert Cook

---

**From:** Tanck, Paul [PTanck@chadbourne.com]  
**Sent:** Tuesday, March 20, 2012 11:38 AM  
**To:** Robert Cook  
**Cc:** Pollack, Brian; Balber, Scott; 'Scheller, John C (22276)'; Tanck, Paul  
**Subject:** RE: Rockwell v. WAGO - Responses to 2d Set of Admissions and 4th Set of Interrogatories

Bob,

As I stated previously, we cannot agree to your stipulation. We appear to be going around in circles.

We will just move to compel the discovery.

Best regards,

Paul

Paul J. Tanck  
Chadbourne & Parke LLP  
30 Rockefeller Plaza, New York, NY 10112  
tel: 212-408-1116 | fax: 212-541-5369  
ptanck@chadbourne.com | <http://www.chadbourne.com>  
vCard: <http://www.chadbourne.com/vcard/ptanck.vcf>

-----Original Message-----

**From:** Robert Cook [mailto:Bob@WCC-IP.com]  
**Sent:** Tuesday, March 20, 2012 11:23 AM  
**To:** Tanck, Paul  
**Cc:** Pollack, Brian; Balber, Scott; 'Scheller, John C (22276)'  
**Subject:** RE: Rockwell v. WAGO - Responses to 2d Set of Admissions and 4th Set of Interrogatories

Yes, but our proposed stipulation relates to the interrogatory responses regarding customer identities.

Best regards,  
-- Bob

-----Original Message-----

**From:** Tanck, Paul [mailto:PTanck@chadbourne.com]  
**Sent:** Tuesday, March 20, 2012 10:43 AM  
**To:** Robert Cook  
**Cc:** Pollack, Brian; Balber, Scott; 'Scheller, John C (22276)'; Tanck, Paul  
**Subject:** RE: Rockwell v. WAGO - Responses to 2d Set of Admissions and 4th Set of Interrogatories

Bob,

To be clear, it is more than just the interrogatory responses.

We are seeking discovery of the correspondence and emails with customers, customer technical support documents, customer surveys, etc. regarding the accused products. See the attached March 12 Letter as well as Rockwell's Document Request Nos. 79, 82, 85.

If you need more time to consider our position, please let me know how much time you need.

Thank you.

Best regards,

Paul

-----Original Message-----

From: Robert Cook [mailto:Bob@WCC-IP.com]

Sent: Tuesday, March 20, 2012 10:23 AM

To: Tanck, Paul

Cc: Pollack, Brian; Balber, Scott; 'Scheller, John C (22276)'

Subject: RE: Rockwell v. WAGO - Responses to 2d Set of Admissions and 4th Set of Interrogatories

Hi, Paul. I point out that what is at issue is an interrogatory response rather than documents, but we will consider your position.

Best regards,

-- Bob

-----Original Message-----

From: Tanck, Paul [mailto:PTanck@chadbourn.com]

Sent: Tuesday, March 20, 2012 9:34 AM

To: Robert Cook

Cc: Pollack, Brian; Balber, Scott; 'Scheller, John C (22276)'; Tanck, Paul

Subject: RE: Rockwell v. WAGO - Responses to 2d Set of Admissions and 4th Set of Interrogatories

Thanks Bob,

Unfortunately, if you are unwilling to stipulate as to what I proposed, we will need WAGO to produce the aforementioned documents.

We understand WAGO's position and will compel the production as necessary.

Best regards,

Paul

Paul J. Tanck

Chadbourn & Parke LLP

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-----Original Message-----

From: Robert Cook [mailto:Bob@WCC-IP.com]

Sent: Tuesday, March 20, 2012 9:09 AM

To: Tanck, Paul

Cc: Pollack, Brian; Balber, Scott; 'Scheller, John C (22276)'

Subject: RE: Rockwell v. WAGO - Responses to 2d Set of Admissions and 4th Set of Interrogatories

Hi, Paul. What is being proposed is a statement to the effect that, if Plaintiffs show that an accused product would infringe the patents in suit if used according to the documentation provided by Defendants on how to use the product, then it may be assumed that customers are using it that way.

This is a factual statement that, with mutually agreeable language, may be drafted as a stipulation of fact. Statements with phrases such as "admits"

and "are direct infringers" or specific references to statutes are not what we have in mind. Please note that liability for indirect infringement requires a showing that Defendants have an expectation that customers will use the products.

Best regards,  
-- Bob

-----Original Message-----

From: Tanck, Paul [mailto:PTanck@chadbourn.com]  
Sent: Monday, March 19, 2012 11:15 AM  
To: bob@wcc-ip.com  
Cc: Pollack, Brian; Balber, Scott; 'Scheller, John C (22276)'; Tanck, Paul  
Subject: RE: Rockwell v. WAGO - Responses to 2d Set of Admissions and 4th Set of Interrogatories

Bob,

I think I understand your point now. I will have to confirm with my client, but my suggestion is below.

If Rockwell is able to show that an accused product or products contain functionality that satisfies the elements of an asserted patent claim, WAGO (WCP and WKT) will admit as follows:

For that claim, WAGO admits that its U.S. customers are direct infringers under USC 271(a) and will not argue otherwise;

for that claim, WAGO admits that it is an indirect infringer under USC 271(b) and will not argue otherwise; and

for that claim, WAGO admits that it is an indirect infringer under USC 271(c) and will not argue otherwise.

In return, Rockwell will not seek to compel WAGO's response to interrogatory Nos. 13 and 14 or seek to compel production of documents between WAGO and its customers. Please let me know WAGO's position by the close of business tomorrow. In the meantime I will confirm with Rockwell.

Best regards,

Paul

Paul J. Tanck  
Chadbourn & Parke LLP  
30 Rockefeller Plaza, New York, NY 10112 tel 212-408-1116 | fax 212-541-5369 ptanck@chadbourn.com |  
<http://www.chadbourn.com>  
vCard: <http://www.chadbourn.com/vcard/ptanck.vcf>

-----Original Message-----

From: bob@wcc-ip.com [mailto:bob@wcc-ip.com]  
Sent: Monday, March 19, 2012 8:21 AM  
To: Tanck, Paul  
Cc: Pollack, Brian; Balber, Scott; 'Scheller, John C (22276)'; Tanck, Paul  
Subject: RE: Rockwell v. WAGO - Responses to 2d Set of Admissions and 4th Set of Interrogatories

Hi, Paul. I have limited availability today, so I will elaborate by email.

Without going into too much detail, take the example of the '232 patent, where Plaintiffs appear to contend infringement on the basis of certain debugging features of CoDeSys. In theory, Plaintiffs might be concerned that Defendants will argue that (even if it may be possible that certain debugging features of CoDeSys infringe the '232 patent) there is no evidence that any end user has ever used those features of CoDeSys, meaning that there is no evidence of any act of direct infringement. Defendants are prepared to discuss addressing this through a statement to the effect that: if Plaintiffs show that an accused product would infringe the patents in suit if used according to the documentation provided by Defendants on how to use the product, then (for purposes of resolving this discovery issue) Defendants would agree not to deny that the customers are using the products that way, even if there is no evidence of what the customers are actually doing with the products.

Best regards,  
-- Bob

On 16.03.2012 15:35, Tanck, Paul wrote:

> Bob,

>

> I do not understand what you are trying to say in your letter.

>

> I will make myself available by telephone today or Monday morning to

> allow you to explain. Please let me know which you prefer.

>

> Thanks,

>

> Paul

>

>

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>

>

> -----Original Message-----

> From: Robert Cook [mailto:Bob@WCC-IP.com]

> Sent: Friday, March 16, 2012 5:19 PM

> To: Tanck, Paul

> Cc: Pollack, Brian; Balber, Scott; 'Scheller, John C (22276)'

> Subject: RE: Rockwell v. WAGO - Responses to 2d Set of Admissions and

> 4th Set of Interrogatories

>

> Hi, Paul. The attached letter, which has also been sent to you by

> fax, responds to the letter sent by your email below.

>

> Best regards,

> -- Bob

>

>

>

> -----Original Message-----

> From: Tanck, Paul [mailto:PTanck@chadbourn.com]

> Sent: Monday, March 12, 2012 7:22 PM

> To: Robert Cook

> Cc: Pollack, Brian; Balber, Scott; 'Scheller, John C (22276)'; Tanck,

> Paul

> Subject: RE: Rockwell v. WAGO - Responses to 2d Set of Admissions and

> 4th Set of Interrogatories

>

> Bob,

>

> Please see attached.

>

> Best regards,

>

> Paul

>

> -----Original Message-----

> From: Robert Cook [mailto:Bob@WCC-IP.com]

> Sent: Monday, March 12, 2012 5:36 PM

> To: Tanck, Paul

> Cc: Pollack, Brian; Balber, Scott; 'Scheller, John C (22276)'

> Subject: Rockwell v. WAGO - Responses to 2d Set of Admissions and 4th

> Set of Interrogatories

>

> Attached are Defendants' responses to Plaintiffs' (i) second set of  
> requests for admission and (ii) fourth set of interrogatories.

>

> Please note that the attachments to the interrogatory responses are  
> confidential or confidential/attorneys eyes only, as indicated on the  
> attachments and in the file names of the attachments.

>

> Best regards,  
> -- Bob  
>  
>  
>  
> Robert N. Cook  
> Whitham, Curtis, Christofferson & Cook, P.C.  
> 11491 Sunset Hills Road, Suite 340  
> Reston, Virginia 20190  
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